Contrasting Baruch's Views on the Recession With The National Planning Association's, Page 4

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More Urgent Than Fallout and Nuclear Testing

For those who fear a nuclear holocaust the most urgent task at this moment is the defeat of S 3165, the Eisenhower Administration bill to make nuclear armament and the nuclear arms race world-wide. It is in this explosive measure, which has been kept well hidden from public view, that the real purposes of the Administration may be read. The rest —Eisenhower's feeble new note to Krushchev, Dulles's new ramblings about inspection, the as yet unrevealed Killian technical report—is flim-flam, designed to distract attention from the realities, a series of delaying actions while the Administration proceeds to carry out its plans. "We do not believe," Mr. Dulles said self-righteously on April 8, in explaining why we will not sell arms to the Indonesian government, "that the promiscuous spread of large amounts of major armaments around the world is a sound or a healthy practice." Since this is exactly what S 3165 is designed to do in nuclear armament, it was hard not to suspect the Secretary of having a sly sense of humor.

A Way to Subsidize Military Reactors Abroad

Two amendments have been made to S3165 in committee, and one section has been stricken out to make it more palatable. These further illuminate the far-reaching purposes of the bill. The section stricken would have authorized the AEC to make contracts for not more than 15 years and not more than $200,000,000 without competitive bidding or Congressional appropriation to "acquire any special nuclear material, or any interests therein outside the U. S." This would have made possible sweeping subsidies to encourage the establishment abroad of U. S. plants producing nuclear materials for military use. International General Electric has just signed a contract to establish a nuclear reactor on Formosa (see the financial page of the *New York Herald-Tribune,* March 30) for Chiang Kai-shek. *Even with this section out, the AEC can still help our poorer allies to obtain fissionable materials for weapons by agreeing to buy on an annual basis part of the output produced by U. S. plants in such places as Formosa.* This could be enough to guarantee such operations against loss while providing nuclear raw materials for allied countries without heavy expense to them.

The amendments deserve as close attention. The bill would allow the President without consulting Congress to give away, or authorize the sale abroad by U. S. companies, of "non-nuclear parts of atomic weapons," "utilization facilities for military applications" and "source, byproduct, or special nuclear material for research on, development of, production of, or use in atomic weapons . . ." and to exchange with allied foreign nations restricted data for "atomic weapon design, development or fabrication capability." To appease an alarmed Joint Committee on Atomic Energy, the AEC agreed to amend the bill so that neither restricted data for producing weapons nor nuclear materials for use in making such weapons could be transferred "unless the cooperating nation has made substantial progress in the development of atomic weapons." Just what "substantial progress" is intended to mean was evaded by the AEC witnesses at the hearings, and a suggestion by Holifield that "operational atomic weapons capability" be substituted was rejected.

But whether "substantial" is defined strictly or loosely, the effect would be to stimulate an atomic arms race among the 47 countries which qualify for nuclear materials under this measure because they have mutual defense agreements with the U. S. Any nation which lagged behind in the development of nuclear weapons capability would run the risk that one of its rival neighbors might achieve "substantial" capability before it did and thus gain the advantage of U. S. nuclear aid. This would serve to shift the emphasis from development for peaceful uses to military uses, and encourage U. S. firms to sell military reactors abroad. *Reuters* from Seoul reported (*Washington Post,* March 26) that South Korea, which has been demanding atomic arms, was building an atomic research center. In Europe, the Germans have just signed a little noticed weapons research agreement with the French (see *London Times* from Bonn, April 1), who already have achieved "substantial capability." All the desperadoes of the world will soon qualify for atomic weapons under this measure.

The Pastore subcommittee of the Joint Congressional Committee on Atomic Energy was to meet on April 15 to decide whether to reopen public hearings or to go ahead with this bill. Those who wish to be heard and have not yet wired Pastore should do so now.

From Crematoria to H-Bombs In A Few Easy Lessons

"After this debate in the Bundestag, it can no longer be a point of contention whether or not the Bundeswehr will be equipped with atomic weapons. The decision has been made."

—Frankfurter Allgemeine Zeitung, quoted with approval in the March 25 Press Bulletin distributed by the German Embassy in Washington.

"The public debate on nuclear armament has overshadowed . . . the first anniversary of the new German conscript army . . . Events have been marked . . . by an order that decorations and medals can in future be worn . . . they will provide a link with the past which . . . has been sadly lacking. Men will now be able to look back with pride to the time they marched into Poland, France, the Low Countries, Eastern Europe, Russia and Africa."

—Dispatch from Bonn, London Times, April 2.

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Capitol Ticker Tape: The Pauling Suit, Ike to Krushchev, Indonesia

THE SUIT AGAINST FALL-OUT: Thanks to the eminent character of those who brought the new suit against the AEC to enjoin testing—Linus Pauling, Bertrand Russell, Toyohiko Kagawa, Norman Thomas and Martin Niemoeller, to mention only the best known—the action has served to make the front pages and publicize the fall-out danger. Unfortunately as a legal action it cannot be taken seriously, and there seems no chance that it will ever reach trial on the merits when the AEC would be forced to debate the question in open court. The precedents in this country are solidly against suits of this kind. In England, where there is parliamentary supremacy and much greater discretion for administrative agencies than here, it will be hard to find a barrister intrepid enough even to venture into court with it. As for the Soviet Union, its courts have no power whatsoever to intervene in political questions, and have little independence. Joined with the notables are three Japanese fishermen. These are the only plaintiffs who have legal standing in our courts. They might claim damages; they could hardly get an injunction. This is a political, not a judicial question, to be fought out in the forum of public opinion not the courts. The suit, as a stunt, is justifiable however as a means of dramatizing the issue.

THE PRESIDENT'S LETTER TO KRUSHCHEV, read in the light of Mr. Dulles's explanations the same day at press conference, mark no change whatsoever in the Administration position of insisting on its intricate package deal. As Senator Green, chairman of the Senate Foreign Relations Committee, commented dryly, it "does not advance matters much." Even Senator Smith of N. J., on the other side of the fence, had to admit that the Eisenhower letter "does not propose startlingly new measures." The strategy is to bog negotiations down in the mechanics of inspection, and to make the question of inspection as complicated as possible in the hope that the Russians will balk. The Administration's main objective, unswervingly pursued, is an atomic armed Germany. Who keeps this is mind will find it easier to find his way through the intricate flim-flam by which Mr. Dulles is seeking to make himself look more flexible than he is.

HOW BIG IS AN ATOMIC "LITTLE FELLOW"? AEC Commissioner Libby spoke of last September's underground shot at Nevada as a "little fellow," almost endearingly diminutive. That blast destroying Ripple Rock in British Columbia on April 5 was described as "the biggest non-atomic explosion ever deliberately set off." But it was only 1.3 kilotons equivalent, as compared with the 1.7 kilotons of that "little fellow" in Nevada. Coast and Geodetic admits the British Columbia blast was recorded as far away as Eureka, Nevada, 750 miles to the south, but many stations had not yet reported. Carnegie Institution at first claimed to have "heard" the blast here in Washington but told this correspondent it was "rechecking" because the matter had become "a political question."

INDONESIA—INCHING CLOSER TO INTERVENTION: The strategy of the Administration seems to be to force the Indonesian government to buy arms from the East against its rebels and then accuse it of being a Soviet puppet. Public opinion would thus be prepared for the next step—granting belligerent status to the rebels. For seven months there has been a Western embargo against the sale of arms to the Indonesian government. The State Department is playing it carefully but his indicated its preferences for the rebels. The danger of international complications in the Indonesian affair is very real; this could become another Korea.

Religion and The H-Bomb

Mr. Justice Brennan wanted to know, "What if the church advocated the non-use of the H-bomb?" He put the question during argument last week before the Supreme Court on the appeal from a California law which takes tax exemption from churches which do not sign an oath swearing that they do not advocate *overthrow of the government "nor advocate the support of a foreign government against the United States in event of hostilities."* The attorney for Los Angeles county, flushing, said opposition to use of the H-bomb would not be regarded as a violation of this oath. The test case was brought by the redoubtable Rev. Stephen Fritchman's First Unitarian Church and the Valley *Unitarian-Universalist Church, both of Los Angeles,* supported by the American Civil Liberties Union. ACLU Attorney A. L. Wirin argued the case for the churchmen. The questions from the bench seemed sharply critical of the law. It was attacked as a violation of the First Amendment, a threat to separation of Church and State and a precedent for test oaths which could enable the State to determine what doctrines a Church could teach.

Our Leading Scientific Organ Is Not As Cocksure About Testing As Ike

"It goes without saying that these experiments, so far as the United States is concerned, are so conducted that they cannot appreciably affect human health."

—Eisenhower reply to Krushchev on testing, April 8.

"As testing of nuclear weapons continues . . . the need to answer questions about the effects of radiation upon health and longevity will become more urgent. Up until now, the primary responsibility for the control and measurement of atomic radiation has been in the hands of the Atomic Energy Commission . . . [its] double function entails a potential conflict of interest, a conflict between the need for testing and the need for keeping the exposure to a minimum. Accordingly it is noteworthy that the Public Health Service is taking steps to play a larger part in the field of radiation . . . the move will provide an independent source of information about the levels of radiation, and this information will be appraised primarily from the standpoint of public health rather than from the standpoint of weapon development.

"The increased interest of the Public Health Service cannot be expected to provide quick answers to the disputed—and highly important—question of whether there is or is not a threshold of low doses of radiation, BUT THE SERVICE CAN BE EXPECTED TO INCLINE TO THE VIEW THAT EVEN LOW DOSES MAY BE HARMFUL." (Emphasis added).

—Editorial in Science, organ of the American Association for the Advancement of Science, April 4.

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The Iron Curtains Dulles Rings Down on the Press and the Senate

Two events since provide an illuminating footnote to Mr. Dulles's dithyramb at press conference April 1, "We operate . . . in terms of a free press . . . We operate in terms of an opposition political party . . . We operate in terms of an American public opinion . . . and I thank God that we do." The first is the filing of a suit by the American Civil Liberties Union on behalf of William Worthy, Jr., of the Baltimore *Afro-American,* denied a passport on the ground that his recent visit to China and Hungary was "contrary to known and existing U. S. foreign policy and otherwise prejudicial to the interests of the United States." Freedom of the press is subordinate, in Mr. Dulles's view, to his conceptions of foreign policy; the American people are not entitled to direct reporting on events in countries of which the Secretary of State disapproves. Mr. Worthy's career as a foreign correspondent is ended by ukase; if Mr. Dulles wins this suit, Mr. Worthy can no longer travel abroad. Other reporters are thus warned not to defy the State Dept.

The other incident which indicates how peculiar are Mr. Dulles's views of what constitutes a free political system occurred at a recent executive session of the Senate Foreign Relations Committee. Senator Morse brought it to light in some little noticed remarks on the Senate floor April 3. The Senator said that he questioned Mr. Dulles in an effort to find out just what were the differences between the Secretary and Governor Stassen on disarmament. This surely was information to which the Senate Foreign Relations Committee was entitled in a free system. Mr. Dulles refused to explain, citing "executive privilege." Senator Morse called this "the administration's fifth amendment plea" and said the Secretary fell back on the plea of privilege because he did not dare let the truth be known.

Hennings Warns Against Slick Butler Substitute for the Jenner Bill

Senator Hennings and his staff deserve commendation for the thorough legal memorandum they released on April 7 calling attention to the dangers in the amendments Senator Butler is offering inside the Senate Judiciary Committee as a means of sugar-coating the Jenner bill (S 2646) to limit the Supreme Court's jurisdiction. The Jenner bill, thanks to strong protest from the American Bar Association, the Attorney General and papers as far right as the *Chicago Tribune,* is dead. Butler's amendments would seek to achieve much the same results in a more skillful form.

Like Senator Jenner, Butler wants to reverse five recent liberal Supreme Court rulings. These held: that only government employes in sensitive posts could be dismissed without hearing of any kind (*Cole v. Young*), that sedition was not punishable under State as well as Federal law (the *Steve Nelson* case), that Congressional investigations in areas protected by the First amendment were severely limited (*Watkins*), that there must be some evidence of incitment to warrant punishment for free speech under the Smith Act (the California cases), and that admission to the bar cannot be denied on grounds which are unconstitutional (the *Schware* and *Koenigsberg* cases).

Jenner's bill would withdraw jurisdiction from the Supreme Court to hear appeals in these five areas of litigation. This threatens legal chaos since "the law" might then be different in the different Circuits. Butler would withdraw jurisdiction only in bar admission cases. In the others, his amendments seek directly to overrule the Court by changing the law.

The Hennings memorandum shows that the Butler amendments would create havoc in a wide area of State-Federal relations, place the burden of proof on the defendants in contempt of Congress cases, and violate basic safeguards in these other areas. One amendment for example would open the way to destruction of the whole civil service system by authorizing the discharge of any Federal employe, in "sensitive or non-sensitive" position, without a hearing.

It is significant that one of the main targets of the Butler amendments is Supreme Court Justice Harlan, a conservative jurist, formerly a Wall Street corporation lawyer, picked by Eisenhower and Brownell. There is a specific reference to words used by Harlan in the California Smith Act cases and Hennings says such references "can only breed disrespect for the judicial branch of the government." One Butler amendment disparagingly quotes Harlan's words that the requirement of incitement to justify restriction of free speech is "subtle and difficult to grasp."

In Harlan's defense, Hennings points out that Congressman McCormack, one of the leading proponents of the Smith Act when it was before Congress "repeatedly stated . . . that the only type of advocacy which would be punishable under the Act was the type which incites to action."

Four Witch Hunt Victims Helped by New Supreme Court Actions

Four victims of the witch hunt were helped by decisions of the U. S. Supreme Court last Monday. It reversed denaturalization orders against James J. Matles, director of organization for the U. E. [United Electrical Workers] and against David and Freeda Diamond of Los Angeles, all accused of Communist affiliations. The Court also granted a hearing to Dr. Willard Uphaus, convicted of contempt for resisting political inquisition at the hands of New Hampshire's Attorney General, Louis C. Wyman. Like Paul Sweezy, whose New Hampshire contempt conviction was reversed in an historic ruling last year, Dr. Uphaus swore he was not a Communist but resisted Wyman's orders, in his case to produce the guest list of the New Hampshire World Fellowship Centre.

The Matles and Diamond denaturalizations were reversed along with those of Frank Costello and Gaetano Lucchese, all on the same grounds—that the government had failed to file an affidavit of good cause at the beginning of these denaturalization proceedings. Matles had refused to take the stand in his case and been held in contempt but this 5th Amendment question was not reached by the Court. Neither did it reach serious wiretap questions in Costello's..

The affidavit requirement was written into the law in 1906 at the suggestion of Attorney General Bonaparte to protect naturalized citizens from irresponsible charges in denaturalization proceedings. It is a procedural safeguard, like "probable cause" for an arrest. The reversals are not a bar however to new proceedings.

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Contrasting Baruch's Views on the Recession With the National Planning Association's

The Real Question — Who Shall Manage Our No Longer Free Economy?

The sophisticated will savor the fine flavor of anachronism in Mr. Bernard Baruch's testimony, which opened the Senate Finance Committee's hearings into the recession. Mr. Baruch opposed a tax cut and he opposed pump priming. His was the investment banking view. "From whom are you going to get the money," he asked. "Who's going to buy these [government] bonds if you continue to reduce the credit of the government?"

Mr. Baruch sees the main enemy as inflation, but the weakness of his whole approach was indicated when he suggested that price reductions would provide "the best stimulant to our economy." This is undoubtedly true. Unfortunately the free market he pictures in his mind no longer exists. The striking feature of this recession is that prices of the basic materials and of major consumer durables like automobiles have been rigidly maintained.

Classical Economic Theory Obsolete

A managed economy has in large part replaced the old free economy. The problem really is — who shall manage the economy, and for whose benefit shall it be managed? The big steel and auto companies "manage" their markets, preferring to let sales and output slide rather than to cut prices. Under such circumstances the "normal" recovery mechanisms envisaged by classical economic theory no longer work.

The present situation allows big business to sit tight, and let those who must operate in what remains of a free market bear the burden of "adjustment"—the small business man, the small farmer and, of course, the worker. They pay in the shape of lost income and dissipated savings.

The Recession May "Cost" $40 Billions This Year

From the national point of view, the cost is heavy. The National Planning Association indicated that cost in a statement on the recession which got the brushoff in most of the press, "This inactivity of men and machines is depriving the nation of the opportunity for greater progress in economic growth and higher living standards. . . . There are, for example, the loss of steel output to half of total steel capacity, the drop in overall industrial production of over 11 percent over the past year. . . . If production should remain at the level of the first quarter of 1958, a year from now it would run at $40 billion below the potential national output."

Positive steps to manage the economy for full employment would make possible the constructive use of the $40 billion in lost output threatened this year. The NPA, which represents thoughtful businessmen as well as labor and farm organizations and approaches economic problems in a pragmatic and non-doctrinaire way, indicates areas in which money might usefully be spent for pump-priming. These are all areas in which a backlog of need piled up during the war, the post-war rearmament and inflation.

Heavy Needs In Education

One area is school construction; the NPA figures it would take $6 billion merely to meet the shortage of 128,000 classrooms expected next Fall, without counting the need for replacing hazardous old buildings and for meeting needs at the college level. Another area is in water resources; water shortages are growing in many areas and the Commerce Department estimates that $10 billion should be spent for water works, purification plants and sewage systems. A third area is in our fast growing but deteriorating urban areas; the NPA figures from $7.5 to 10 billion annually is needed for urban redevelopment. The NPA estimates that a $10 billion increase in such public spending would stimulate a $15 to 20 billion increase in private consumption and business expenditure.

The NPA would also attack the recession on the tax front, first by a tax cut in the lower brackets; secondly, by repealing excise taxes on autos and similar products which were first imposed during the war to reduce consumption; and thirdly, by revising a tax structure marked by "highly fictitious top bracket rates in the income tax plus the tendency of gradually widening loopholes" which benefits many special interests, as depletion allowances do the oil barons. It is easy enough to see why the same papers which put Mr. Baruch in the headlines buried the NPA proposals.

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